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10/692,432	10/23/2003	Raymond W. McCollum	MSFTP522US	8399

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EXAMINER	
CHOU, ANDREW Y	
ART UNIT	PAPER NUMBER
2192	

NOTIFICATION DATE	DELIVERY MODE
05/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/692,432	MCCOLLUM ET AL.	
	Examiner	Art Unit	
	ANDREW CHOU	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03/14/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 4, 22, 31, 33, and 34 have been amended. Claim 37 has been newly added. Claims 1-37 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 03/14/2008 was filed after the mailing date. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

3. Applicant's arguments filed 02/08/2008 have been fully considered but they are not persuasive.

On page 9 of the Applicant's Remarks, Applicant essentially argues that Ravindran does not disclose "an attribution component that facilitates attributing selected parts of code of the application with management information", as recited in claim 1 of the application.

The Examiner respectfully disagrees with Applicant's assertion that Ravindran fails to disclose the above claimed feature. The examiner submits that Ravindran does disclose a similar feature of Applicant's attribution component, and would like to direct Applicant's attention to Ravindran, page 35, section 6.1, "The Resource management Process and the Middleware Architecture". Ravindran discloses a "program control

component" which acts as an attribution component in attributing resources with the ability/information to perform management (see for example page 35, section 6.1).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-36 are rejected under 35 U.S.C 102(b) as being anticipated by Ravindran, Engineering Dynamic Real-Time Distributed Systems: Architecture, System Description Language, and Middleware, January, 2002.

Claims 1

Ravindran discloses a machine-implemented system (see for example page 32, Fig. 1, "real-time C2 system", Fig. 3, "system description language runtime system", and related text) that facilitates management of an application or service, comprising: an application or service for installation on the system (see at least Abstract); and an attiibution component that facilitates attributing selected parts of code of the application or service with management information (see for example at least Abstract, Introduction, Section 6.1 The Resource Management Process and the Middleware Architecture); where the system uses the management information to manage the installed application

or service (see at least Abstract, Introduction, Section 5. The Resource Management Architecture).

Claim 2:

Ravindran further discloses the system of claim 1, a software tool is applied to the attributed code of the application or service to expose the management information (see at least Introduction, p. 31, left column, second paragraph).

Claims 3:

Ravindran further discloses the system of claim 1, the management information is exposed and used to generate a manifest (see at least Introduction, p. 31, left column, second paragraph).

Claim 4:

Ravindran further discloses the system of claim 1, the attributed code of the application or service indicates at least one subset of types within one or more components of the application or service that should be exposed and how the subset of types should be identified (see for example Introduction, p. 31, left column, 2nd, 4th paragraphs, Sections 6.2, 7).

Claim 5:

Ravindran further discloses the system of claim 1, the management information is exposed from at least one of an in-process provider and a decoupled provider (see for example Introduction, Sections, 5, 7).

Claim 6:

Ravindran further discloses the system of claim 1, the management information is exposed from a decoupled provider, which attributed code of the decoupled provider includes at least one of a register call at startup and an unregister call at shutdown (see at least Introduction, Sections 5, 7).

Claim 7:

Ravindran further discloses the system of claim 1, a catalog is created of all available instrumentation data of the system, wherein the catalog is browsed and used to discover a particular instrumentation point (see for example Introduction, Sections 5, 7).

Claim 8:

Ravindran further discloses the system of claim 1, at runtime, management information is retrieved by identifying the associated management information within a catalog of all management information of the system, and following the associated management information to the corresponding application or service (see at least Introduction, p. 31, left column, 2nd paragraph, Section 6.1).

Claim 9:

Ravindran further discloses the system of claim 8, for an in-process provider at runtime, the component associated with the management information, is loaded and invoked (see for example Section 5, p. 33, right column, 3rd paragraph).

Claim 10:

Ravindran further discloses the system of claim 8, for a decoupled provider at runtime, the management information is used with information provided by a register call to locate a corresponding running process, to connect to the running process, and to

locate a subcomponent within the running process that is associated with the management information (see for example Section 5, p. 33, right column, 3rd paragraph).

Claim 11:

Ravindran further discloses the System of claim 1, the management information includes a probe attribute that is used to indicate that a member of a type is a probe (see for example Section 5).

Claim 12:

Ravindran further discloses the system of claim 11, the type is decorated with a folder attribute (see for example Section 5)i

Claim 13:

Ravindran further discloses the system of claim 1, the management information includes health information that is exposed from an in-process provider (see for example Section 7).

Claim 14:

Ravindran further discloses the system of claim 1, the management information includes health information that indicates health of the application or service (see for example Section 7).

Claim 15:

The system of claim 1, the management information is identified within the attributed application or service using a uniform resource identifier (see for example Section 5).

Claim 16:

Ravindran further discloses the system of claim 1, the management information includes execution information that indicates when the management information should be executed (see for example Sections 5, 6.1).

Claim 17:

Ravindran further discloses the system of claim 1, the management information is exposed from a data source that includes at least one of hardware, software application, and an operating system (see for example Introduction).

Claim 18:

Ravindran further discloses the system of claim 1, the management information includes class definitions that are exposed to a management component (see for example Introduction).

Claim 19:

Ravindran further discloses the system of claim 1, the class definitions are described in a managed object format (see for example Introduction, Sections 5, 6.2, 7).

Claim 20:

This is a computer system version of the claimed method discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Ravindran.

Claim 21:

This is a computer-readable medium having computer-executable instructions version of the claimed method discussed above (Claim 1), wherein all claim limitations have

been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Ravindran.

Claim 22:

Ravindran discloses a method of managing an application or service, comprising: receiving the application or service for installation on a system (see for example Abstract); attributing selected parts of code of the application or service with management information (see for example Introduction);
exposing the management information to a management system (see for example at least Abstract, Introduction, Section 7. System Description Language); and controlling the application or service based upon the management information that is exposed when the application or service is installed on the system (see at least Abstract, Introduction, Section 5. The Resource Management Architecture).

Claim 23:

Ravindran further discloses the method of claim 22, further comprising generating a manifest of the exposed management information (see at least Introduction, p. 31, left column, second paragraph).

Claim 24:

Ravindran further discloses the method of claim 22, the management information is exposed from one or more internal processed of a provider (see for example Introduction, Sections, 5, 7).

Claim 25:

Ravindran further discloses the method of claim 22, further comprising generating a catalog of all manifests of all available instrumentation data of the system, wherein the catalog is browsed and used to discover a particular instrumentation point (see for example Introduction, Sections 5, 7).

Claim 26:

Ravindran further discloses the method of claim 22, the service is a native service whose code is wrapped with a managed code to facilitate attribution thereof (see at least Introduction, p. 31, left column, 2ne paragraph, Section 6.1).

Claim 27:

Ravindran further discloses the method of claim 22, the attributed code includes at least one of folder and probe attributes (see for example Section 5).

Claim 28:

Ravindran further discloses the method of claim 22, further comprising authoring the application or service with management information in preparation for a runtime (see for example Section 5, p. 33, right column, 3r(j paragraph).

Claim 29:

Ravindran further discloses the method of claim 22, further comprising generating an instrumentation manifest for the application or service based upon the management information (see at least Introduction, p. 31, left column, second paragraph).

Claim 30:

Ravindran further discloses the method of claim 29, the instrumentation manifest is stored with a collection of instrumentation manifests that are accessible to a consumer

of the management information (see at least Introduction, p. 31, left column, second paragraph).

Claim 31:

Ravindran discloses a system for managing an application or service, comprising: means for attributing selected parts of code of the application or service with health information (see for example Section 7); means for exposing the health information in the form of instrumentation definitions (see for example Section 7); means for cataloging the instrumentation definitions in a collection of instrumentation definitions (see at least Introduction, p. 31, left column, 2n(j paragraph, Section 6.1); and means for controlling the application or service based upon the exposed instrumentation definitions when the application or service is installed on the system (see at least Introduction, p. 31, left column, 2nd paragraph, Section 6.1).

Claim 32:

Ravindran further discloses the system of claim 31, further comprising means for identifying the health information with a unique identifier (see for example Section 7). service.

Claim 33:

A computer-readable medium having computer-executable instructions for performing a method for managing an application or service, the method comprising:

receiving the application or service for installation on a system (see at least Abstract);

attributing selected parts of code of the application or service with management information (see for example at least Abstract, Introduction, Section 6.1 The Resource Management Process and the Middleware Architecture);

exposing the management information to a management system (see for example at least Abstract, Introduction, Section 6.1 The Resource Management Process and the Middleware Architecture); and

controlling the application or service based upon the management information that is exposed when the application or service is installed on the system (see at least Abstract, Introduction, Section 5. The Resource Management Architecture).

Claim 34:

This is a computer-readable medium having computer-executable instructions version of the claimed method discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Ravindran.

Claim 35:

Ravindran further discloses the computer-readable medium of claim 34, the management information includes a probe attribute that is used to indicate that a member of a type is a probe, which type is decorated with a folder attribute (see for example Section 5).

Claim 36:

Ravindran further discloses the computer-readable medium of claim 34, at runtime, a component of an in-process provider associated with the management information is

loaded and invoked, and the management information for a decoupled provider is used with information provided by a register call, to locate a corresponding running process, to connect to the running process, and to locate a subcomponent within the running process that is associated with the management information (see for example Section 7).

Claim 37:

Ravindran further discloses the system of claim 1, wherein the attributed parts of code are considered probes for use in determining health of the application (see for example page 35, Section 6.1, first paragraph, "...identify possible recovery actions...").

Conclusion

6. **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto..qov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Andrew Chou/

Examiner, Art Unit 2192

/Tuan Q. Dam/

Supervisory Patent Examiner, Art Unit 2192